

**SENATE, No. 4113**

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**STATE OF NEW JERSEY**

**218th LEGISLATURE**

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INTRODUCED SEPTEMBER 12, 2019

**Sponsored by:**

**Senator JOSEPH F. VITALE**

**District 19 (Middlesex)**

**Senator NELLIE POU**

**District 35 (Bergen and Passaic)**

**Senator STEPHEN M. SWEENEY**

**District 3 (Cumberland, Gloucester and Salem)**

**Co-Sponsored by:**

**Senators Turner, Ruiz, Madden and Lagana**

**SYNOPSIS**

Requires health insurers to limit copayments for insulin.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 1/10/2020)**

1 AN ACT concerning copayments for insulin, amending P.L.1995,  
2 c.331, and supplementing various parts of the statutory law.

3  
4 **BE IT ENACTED** *by the Senate and General Assembly of the State*  
5 *of New Jersey:*

6  
7 1. Section 1 of P.L.1995, c.331 (C.17:48-6n) is amended to  
8 read as follows:

9 1. a. Every individual or group hospital service corporation  
10 contract providing hospital or medical expense benefits that is  
11 delivered, issued, executed or renewed in this State pursuant to  
12 P.L.1938, c.366 (C.17:48-1 et seq.) or approved for issuance or  
13 renewal in this State by the Commissioner of Banking and  
14 Insurance on or after the effective date of this act shall provide  
15 benefits to any subscriber or other person covered thereunder for  
16 expenses incurred for the following equipment and supplies for the  
17 treatment of diabetes, if recommended or prescribed by a physician  
18 or nurse practitioner/clinical nurse specialist: blood glucose  
19 monitors and blood glucose monitors for the legally blind; test  
20 strips for glucose monitors and visual reading and urine testing  
21 strips; insulin; injection aids; cartridges for the legally blind;  
22 syringes; insulin pumps and appurtenances thereto; insulin infusion  
23 devices; and oral agents for controlling blood sugar. No copayment  
24 for the purchase of insulin shall exceed \$100 per 30 day supply.

25 b. Each individual or group hospital service corporation  
26 contract shall also provide benefits for expenses incurred for  
27 diabetes self-management education to ensure that a person with  
28 diabetes is educated as to the proper self-management and treatment  
29 of their diabetic condition, including information on proper diet.  
30 Benefits provided for self-management education and education  
31 relating to diet shall be limited to visits medically necessary upon  
32 the diagnosis of diabetes; upon diagnosis by a physician or nurse  
33 practitioner/clinical nurse specialist of a significant change in the  
34 subscriber's or other covered person's symptoms or conditions  
35 which necessitate changes in that person's self-management; and  
36 upon determination of a physician or nurse practitioner/clinical  
37 nurse specialist that reeducation or refresher education is necessary.  
38 Diabetes self-management education shall be provided by a dietitian  
39 registered by a nationally recognized professional association of  
40 dietitians or a health care professional recognized as a Certified  
41 Diabetes Educator by the American Association of Diabetes  
42 Educators or a registered pharmacist in the State qualified with  
43 regard to management education for diabetes by any institution  
44 recognized by the board of pharmacy of the State of New Jersey.

**EXPLANATION** – Matter enclosed in bold-faced brackets **[thus]** in the above bill is  
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 c. The benefits required by this section shall be provided to the  
2 same extent as for any other sickness under the contract.

3 d. This section shall apply to all hospital service corporation  
4 contracts in which the hospital service corporation has reserved the  
5 right to change the premium.

6 e. The provisions of this section shall not apply to a health  
7 benefits plan subject to the provisions of P.L.1992, c.161  
8 (C.17B:27A-2 et seq.) or P.L.1992, c.162 (C.17B:27A-17 et seq.).

9 f. The Commissioner of Banking and Insurance may, in  
10 consultation with the Commissioner of Health, pursuant to the  
11 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et  
12 seq.), promulgate and periodically update a list of additional  
13 diabetes equipment and related supplies that are medically  
14 necessary for the treatment of diabetes and for which benefits shall  
15 be provided according to the provisions of this section.  
16 (cf: P.L.1995, c.331, s.1)

17

18 2. Section 2 of P.L.1995, c.331 (C.17:48A-71) is amended to  
19 read as follows:

20 2. a. Every individual or group medical service corporation  
21 contract providing hospital or medical expense benefits that is  
22 delivered, issued, executed or renewed in this State pursuant to  
23 P.L.1940, c.74 (C.17:48A-1 et seq.) or approved for issuance or  
24 renewal in this State by the Commissioner of Banking and  
25 Insurance on or after the effective date of this act shall provide  
26 benefits to any subscriber or other person covered thereunder for  
27 expenses incurred for the following equipment and supplies for the  
28 treatment of diabetes, if recommended or prescribed by a physician  
29 or nurse practitioner/clinical nurse specialist: blood glucose  
30 monitors and blood glucose monitors for the legally blind; test  
31 strips for glucose monitors and visual reading and urine testing  
32 strips; insulin; injection aids; cartridges for the legally blind;  
33 syringes; insulin pumps and appurtenances thereto; insulin infusion  
34 devices; and oral agents for controlling blood sugar. No copayment  
35 for the purchase of insulin shall exceed \$100 per 30 day supply.

36 b. Each individual or group medical service corporation  
37 contract shall also provide benefits for expenses incurred for  
38 diabetes self-management education to ensure that a person with  
39 diabetes is educated as to the proper self-management and treatment  
40 of their diabetic condition, including information on proper diet.  
41 Benefits provided for self-management education and education  
42 relating to diet shall be limited to visits medically necessary upon  
43 the diagnosis of diabetes; upon diagnosis by a physician or nurse  
44 practitioner/clinical nurse specialist of a significant change in the  
45 subscriber's or other covered person's symptoms or conditions  
46 which necessitate changes in that person's self-management; and  
47 upon determination of a physician or nurse practitioner/clinical  
48 nurse specialist that reeducation or refresher education is necessary.

1 Diabetes self-management education shall be provided by a dietitian  
2 registered by a nationally recognized professional association of  
3 dietitians or a health care professional recognized as a Certified  
4 Diabetes Educator by the American Association of Diabetes  
5 Educators or a registered pharmacist in the State qualified with  
6 regard to management education for diabetes by any institution  
7 recognized by the board of pharmacy of the State of New Jersey.

8 c. The benefits required by this section shall be provided to the  
9 same extent as for any other sickness under the contract.

10 d. This section shall apply to all medical service corporation  
11 contracts in which the medical service corporation has reserved the  
12 right to change the premium.

13 e. The provisions of this section shall not apply to a health  
14 benefits plan subject to the provisions of P.L.1992, c.161  
15 (C.17B:27A-2 et seq.) or P.L.1992, c.162 (C.17B:27A-17 et seq.).

16 f. The Commissioner of Banking and Insurance may, in  
17 consultation with the Commissioner of Health, pursuant to the  
18 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et  
19 seq.), promulgate and periodically update a list of additional  
20 diabetes equipment and related supplies that are medically  
21 necessary for the treatment of diabetes and for which benefits shall  
22 be provided according to the provisions of this section.  
23 (cf: P.L.1995, c.331, s.2)

24

25 3. Section 3 of P.L.1995, c.331 (C.17:48E-35.11) is amended  
26 to read as follows:

27 3. a. Every individual or group health service corporation  
28 contract providing hospital or medical expense benefits that is  
29 delivered, issued, executed or renewed in this State pursuant to  
30 P.L.1985, c.236 (C.17:48E-1 et seq.) or approved for issuance or  
31 renewal in this State by the Commissioner of Banking and  
32 Insurance on or after the effective date of this act shall provide  
33 benefits to any subscriber or other person covered thereunder for  
34 expenses incurred for the following equipment and supplies for the  
35 treatment of diabetes, if recommended or prescribed by a physician  
36 or nurse practitioner/clinical nurse specialist: blood glucose  
37 monitors and blood glucose monitors for the legally blind; test  
38 strips for glucose monitors and visual reading and urine testing  
39 strips; insulin; injection aids; cartridges for the legally blind;  
40 syringes; insulin pumps and appurtenances thereto; insulin infusion  
41 devices; and oral agents for controlling blood sugar. No copayment  
42 for the purchase of insulin shall exceed \$100 per 30 day supply.

43 b. Each individual or group health service corporation contract  
44 shall also provide benefits for expenses incurred for diabetes self-  
45 management education to ensure that a person with diabetes is  
46 educated as to the proper self-management and treatment of their  
47 diabetic condition, including information on proper diet. Benefits  
48 provided for self-management education and education relating to

1 diet shall be limited to visits medically necessary upon the  
2 diagnosis of diabetes; upon the diagnosis by a physician or nurse  
3 practitioner/clinical nurse specialist of a significant change in the  
4 subscriber's or other covered person's symptoms or conditions  
5 which necessitate changes in that person's self-management; and  
6 upon determination of a physician or nurse practitioner/clinical  
7 nurse specialist that reeducation or refresher education is necessary.  
8 Diabetes self-management education shall be provided by a dietitian  
9 registered by a nationally recognized professional association of  
10 dietitians or a health care professional recognized as a Certified  
11 Diabetes Educator by the American Association of Diabetes  
12 Educators or a registered pharmacist in the State qualified with  
13 regard to management education for diabetes by any institution  
14 recognized by the board of pharmacy of the State of New Jersey.

15 c. The benefits required by this section shall be provided to the  
16 same extent as for any other sickness under the contract.

17 d. This section shall apply to all health service corporation  
18 contracts in which the health service corporation has reserved the  
19 right to change the premium.

20 e. The provisions of this section shall not apply to a health  
21 benefits plan subject to the provisions of P.L.1992, c.161  
22 (C.17B:27A-2 et seq.) or P.L.1992, c.162 (C.17B:27A-17 et seq.).

23 f. The Commissioner of Banking and Insurance may, in  
24 consultation with the Commissioner of Health, pursuant to the  
25 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et  
26 seq.), promulgate and periodically update a list of additional  
27 diabetes equipment and related supplies that are medically  
28 necessary for the treatment of diabetes and for which benefits shall  
29 be provided according to the provisions of this section.

30 (cf: P.L.1995, c.331, s.3)

31

32 4. Section 4 of P.L.1995, c.331 (C.17B:26-2.11) is amended to  
33 read as follows:

34 4. a. Every individual health insurance policy providing  
35 hospital or medical expense benefits that is delivered, issued,  
36 executed or renewed in this State pursuant to Chapter 26 of Title  
37 17B of the New Jersey Statutes or approved for issuance or renewal  
38 in this State by the Commissioner of Banking and Insurance on or  
39 after the effective date of this act shall provide benefits to any  
40 person covered thereunder for expenses incurred for the following  
41 equipment and supplies for the treatment of diabetes, if  
42 recommended or prescribed by a physician or nurse  
43 practitioner/clinical nurse specialist: blood glucose monitors and  
44 blood glucose monitors for the legally blind; test strips for glucose  
45 monitors and visual reading and urine testing strips; insulin;  
46 injection aids; cartridges for the legally blind; syringes; insulin  
47 pumps and appurtenances thereto; insulin infusion devices; and oral

1 agents for controlling blood sugar. No copayment for the purchase  
2 of insulin shall exceed \$100 per 30 day supply.

3 b. Each individual health insurance policy shall also provide  
4 benefits for expenses incurred for diabetes self-management  
5 education to ensure that a person with diabetes is educated as to the  
6 proper self-management and treatment of their diabetic condition,  
7 including information on proper diet. Benefits provided for self-  
8 management education and education relating to diet shall be  
9 limited to visits medically necessary upon the diagnosis of diabetes;  
10 upon diagnosis by a physician or nurse practitioner/clinical nurse  
11 specialist of a significant change in the covered person's symptoms  
12 or conditions which necessitate changes in that person's self-  
13 management; and upon determination of a physician or nurse  
14 practitioner/clinical nurse specialist that reeducation or refresher  
15 education is necessary. Diabetes self-management education shall  
16 be provided by a dietitian registered by a nationally recognized  
17 professional association of dietitians or a health care professional  
18 recognized as a Certified Diabetes Educator by the American  
19 Association of Diabetes Educators or a registered pharmacist in the  
20 State qualified with regard to management education for diabetes by  
21 any institution recognized by the board of pharmacy of the State of  
22 New Jersey.

23 c. The benefits required by this section shall be provided to the  
24 same extent as for any other sickness under the policy.

25 d. This section shall apply to all individual health insurance  
26 policies in which the insurer has reserved the right to change the  
27 premium.

28 e. The provisions of this section shall not apply to a health  
29 benefits plan subject to the provisions of P.L.1992, c.161  
30 (C.17B:27A-2 et seq.) or P.L.1992, c.162 (C.17B:27A-17 et seq.).

31 f. The Commissioner of Banking and Insurance may, in  
32 consultation with the Commissioner of Health, pursuant to the  
33 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et  
34 seq.), promulgate and periodically update a list of additional  
35 diabetes equipment and related supplies that are medically  
36 necessary for the treatment of diabetes and for which benefits shall  
37 be provided according to the provisions of this section.

38 (cf: P.L.1995, c.331, s.4)

39  
40 5. Section 5 of P.L.1995, c.331 (C.17B:27-46.1m) is amended  
41 to read as follows:

42 5. a. Every group health insurance policy providing hospital or  
43 medical expense benefits that is delivered, issued, executed or  
44 renewed in this State pursuant to Chapter 27 of Title 17B of the  
45 New Jersey Statutes or approved for issuance or renewal in this  
46 State by the Commissioner of Banking and Insurance on or after the  
47 effective date of this act shall provide benefits to any person  
48 covered thereunder for expenses incurred for the following

1 equipment and supplies for the treatment of diabetes, if  
2 recommended or prescribed by a physician or nurse  
3 practitioner/clinical nurse specialist: blood glucose monitors and  
4 blood glucose monitors for the legally blind; test strips for glucose  
5 monitors and visual reading and urine testing strips; insulin;  
6 injection aids; cartridges for the legally blind; syringes; insulin  
7 pumps and appurtenances thereto; insulin infusion devices; and oral  
8 agents for controlling blood sugar. No copayment for the purchase  
9 of insulin shall exceed \$100 per 30 day supply.

10 b. Each group health insurance policy shall also provide  
11 benefits for expenses incurred for diabetes self-management  
12 education to ensure that a person with diabetes is educated as to the  
13 proper self-management and treatment of their diabetic condition,  
14 including information on proper diet. Benefits provided for self-  
15 management education and education relating to diet shall be  
16 limited to visits medically necessary upon the diagnosis of diabetes;  
17 upon diagnosis by a physician or nurse practitioner/clinical nurse  
18 specialist of a significant change in the covered person's symptoms  
19 or conditions which necessitate changes in that person's self-  
20 management; and upon determination of a physician or nurse  
21 practitioner/clinical nurse specialist that reeducation or refresher  
22 education is necessary. Diabetes self-management education shall  
23 be provided by a dietitian registered by a nationally recognized  
24 professional association of dietitians or a health care professional  
25 recognized as a Certified Diabetes Educator by the American  
26 Association of Diabetes Educators or a registered pharmacist in the  
27 State qualified with regard to management education for diabetes by  
28 any institution recognized by the board of pharmacy of the State of  
29 New Jersey.

30 c. The benefits required by this section shall be provided to the  
31 same extent as for any other sickness under the policy.

32 d. This section shall apply to all group health insurance  
33 policies in which the insurer has reserved the right to change the  
34 premium.

35 e. The provisions of this section shall not apply to a health  
36 benefits plan subject to the provisions of P.L.1992, c.161  
37 (C.17B:27A-2 et seq.) or P.L.1992, c.162 (C.17B:27A-17 et seq.).

38 f. The Commissioner of Banking and Insurance may, in  
39 consultation with the Commissioner of Health, pursuant to the  
40 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et  
41 seq.), promulgate and periodically update a list of additional  
42 diabetes equipment and related supplies that are medically  
43 necessary for the treatment of diabetes and for which benefits shall  
44 be provided according to the provisions of this section.

45 (cf: P.L.1995, c.331, s.5)

46

47 6. Section 6 of P.L.1995, c.331 (C.26:2J-4.11) is amended to  
48 read as follows:

1       6. a. Every contract for health care services that is delivered,  
2 issued, executed or renewed in this State pursuant to P.L.1973,  
3 c.337 (C.26:2J-1 et seq.) or approved for issuance or renewal in this  
4 State on or after the effective date of this act shall provide health  
5 care services to any enrollee or other person covered thereunder for  
6 the following equipment and supplies for the treatment of diabetes,  
7 if recommended or prescribed by a participating physician or  
8 participating nurse practitioner/clinical nurse specialist: blood  
9 glucose monitors and blood glucose monitors for the legally blind;  
10 test strips for glucose monitors and visual reading and urine testing  
11 strips; insulin; injection aids; cartridges for the legally blind;  
12 syringes; insulin pumps and appurtenances thereto; insulin infusion  
13 devices; and oral agents for controlling blood sugar. No copayment  
14 for the purchase of insulin shall exceed \$100 per 30 day supply.

15       b. Each contract shall also provide health care services for  
16 diabetes self-management education to ensure that a person with  
17 diabetes is educated as to the proper self-management and treatment  
18 of their diabetic condition, including information on proper diet.  
19 Health care services provided for self-management education and  
20 education relating to diet shall be limited to visits medically  
21 necessary upon the diagnosis of diabetes; upon diagnosis by a  
22 participating physician or participating nurse practitioner/clinical  
23 nurse specialist of a significant change in the enrollee's or other  
24 covered person's symptoms or conditions which necessitate changes  
25 in that person's self-management; and upon determination of a  
26 participating physician or participating nurse practitioner/clinical  
27 nurse specialist that reeducation or refresher education is necessary.  
28 Diabetes self-management education shall be provided by a  
29 participating dietitian registered by a nationally recognized  
30 professional association of dietitians or a health care professional  
31 recognized as a Certified Diabetes Educator by the American  
32 Association of Diabetes Educators or, pursuant to section 6 of  
33 P.L.1993, c.378 (C.26:2J-4.7), a registered pharmacist in the State  
34 qualified with regard to management education for diabetes by any  
35 institution recognized by the board of pharmacy of the State of New  
36 Jersey.

37       c. The health care services required by this section shall be  
38 provided to the same extent as for any other sickness under the  
39 contract.

40       d. This section shall apply to all contracts in which the health  
41 maintenance organization has reserved the right to change the  
42 schedule of charges.

43       e. The provisions of this section shall not apply to a health  
44 benefits plan subject to the provisions of P.L.1992, c.161  
45 (C.17B:27A-2 et seq.) or P.L.1992, c.162 (C.17B:27A-17 et seq.).

46       f. The Commissioner of Banking and Insurance may, in  
47 consultation with the Commissioner of Health, pursuant to the  
48 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et



1 seq.), promulgate and periodically update a list of additional  
2 diabetes equipment and related supplies that are medically  
3 necessary for the treatment of diabetes and for which benefits shall  
4 be provided according to the provisions of this section.

5 (cf: P.L.1995, c.331, s.6)

6  
7 7. (New section) An individual health benefits plan that  
8 provides hospital and medical expense benefits and is delivered,  
9 issued, executed or renewed in this State pursuant to P.L.1992,  
10 c.161 (C.17B:27A-2 et al.), on or after the effective date of P.L. ,  
11 c. (C. ) (pending before the Legislature as this bill), shall  
12 provide coverage to any enrollee or other person covered thereunder  
13 for insulin for the treatment of diabetes, if recommended or  
14 prescribed by a participating physician or participating nurse  
15 practitioner/clinical nurse specialist. No copayment for the  
16 purchase of insulin shall exceed \$100 per 30 day supply.

17 The benefits shall be provided to the same extent as for any other  
18 condition under the health benefits plan.

19 This section shall apply to those health benefits plans in which  
20 the carrier has reserved the right to change the premium.

21  
22 8. (New section) A small employer health benefits plan that  
23 provides hospital and medical expense benefits and is delivered,  
24 issued, executed or renewed in this State pursuant to P.L.1992,  
25 c.162 (C.17B:27A-17 et seq.), on or after the effective date of  
26 P.L. , c. (C. ) (pending before the Legislature as this bill),  
27 shall provide coverage to any enrollee or other person covered  
28 thereunder for insulin for the treatment of diabetes, if recommended  
29 or prescribed by a participating physician or participating nurse  
30 practitioner/clinical nurse specialist. No copayment for the  
31 purchase of insulin shall exceed \$100 per 30 day supply.

32 The benefits shall be provided to the same extent as for any other  
33 condition under the health benefits plan.

34 This section shall apply to those health benefits plans in which  
35 the carrier has reserved the right to change the premium.

36  
37 9. (New section) The State Health Benefits Commission shall  
38 ensure that every contract purchased or renewed by the commission  
39 on or after the effective date of P.L. , c. (C. ) (pending  
40 before the Legislature as this bill), shall provide coverage for health  
41 care services to any enrollee or other person covered thereunder for  
42 insulin for the treatment of diabetes, if recommended or prescribed  
43 by a participating physician or participating nurse  
44 practitioner/clinical nurse specialist. No copayment for the  
45 purchase of insulin shall exceed \$100 per 30 day supply.

46  
47 10. (New section) The School Employees' Health Benefits  
48 Commission shall ensure that every contract purchased by the

1 commission on or after the effective date of P.L. , c. (C. )  
2 (pending before the Legislature as this bill) that provides hospital  
3 and medical expense benefits shall provide health care services to  
4 any enrollee or other person covered thereunder for insulin for the  
5 treatment of diabetes, if recommended or prescribed by a  
6 participating physician or participating nurse practitioner/clinical  
7 nurse specialist. No copayment for the purchase of insulin shall  
8 exceed \$100 per 30 day supply.

9  
10 11. This act shall take effect on the 90th day next following  
11 enactment.

12  
13  
14 **STATEMENT**

15  
16 This bill requires health benefits plans issued pursuant to the  
17 New Jersey Individual Health Coverage and Small Employer Health  
18 Benefits Programs, the State Health Benefits Program, and the  
19 School Employees' Health Benefits Program, to provide coverage  
20 for insulin for the treatment of diabetes. The bill also requires  
21 health insurers (health, hospital and medical service corporations,  
22 commercial individual and group health insurers; health  
23 maintenance organizations, health benefits plans issued pursuant to  
24 the New Jersey Individual Health Coverage and Small Employer  
25 Health Benefits Programs, the State Health Benefits Program, and  
26 the School Employees' Health Benefits Program) to limit the  
27 copayment that may be required for an insulin prescription to \$100  
28 per 30 day supply of insulin.